

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

WILLIAM J. MAHAN,

CV. 07-316-HU

Plaintiff,

ORDER

v.

CHRIS SCHWEIGERT,

Defendant.

HUBEL, Magistrate Judge

Plaintiff, an inmate at Lane County Corrections, brings this civil action *pro se*. Currently before the court are plaintiff's motions for intra-district transfer (#26), for appointment of counsel (#27), for extension of time (#30), and for leave to file second amended complaint (#32); and defendant's motion for extension of time (#33).

**DISCUSSION**

Plaintiff moves the court to transfer this case to Eugene on the basis that he is incarcerated in Eugene and is handicapped. Defendant opposes the motion, noting that plaintiff is awaiting

sentencing in United States v. Mahan, 06-cr-60045-AA, and will thereafter be transferred to a Bureau of Prisons facility.

Based on the foregoing, Plaintiff's motion for an intra-district transfer (#26) is denied. If this case is set for trial, the court will address at that time any accommodations that should be made for plaintiff.

Plaintiff also moves the court for the appointment of counsel. This court has denied two previous requests for counsel. For the reasons set forth in those orders, plaintiff's motion (#27) is denied.

Plaintiff moves the court for an extension of time to April 4, 2008, "to prepare for trial". Defendant moves the court for an extension of time to June 3, 2008, to complete discovery. It is ordered that defendant's motion (#33) is granted, and plaintiff's motion (#30) is denied as moot. The parties shall complete discovery and file all dispositive motions by June 17, 2008.

Finally, plaintiff moves the court for leave to file a second amended complaint to add a John Doe defendant. Plaintiff's proposed amended complaint, however, fails to list the John Doe defendant *in its caption*. See Fed. R. Civ. P. 10(a). Moreover, the certificate of service attached to both the motion to amend (#32) and proposed second amended complaint (#31) do not indicate that the documents were served on opposing counsel. See Fed. R.

Civ. P. 5. Accordingly, the motion to amend (#32) is DENIED, with leave to renew.

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**CONCLUSION**

Based on the foregoing, plaintiff's motions for intra-district transfer (#26), for appointment of counsel (#27), and to amend (#32) are DENIED; plaintiff's motion for extension of time (#30) is DENIED AS MOOT; and defendant's motion for extension of time (#33) is GRANTED. The parties shall complete discovery and file dispositive motions by June 17, 2008.<sup>1</sup>

IT IS SO ORDERED.

DATED this 29th day of February, 2008.

/s/DennisJ. Hubel\_\_\_\_\_  
Dennis J. Hubel  
United States Magistrate Judge

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<sup>1</sup> The court notes that plaintiff sent a letter to the court requesting that a copy of the Federal Rules of Civil Procedure be sent to a third party on a computer disc. Plaintiff is advised that a copy of the federal rules is accessible on the court's website, [ord.uscourts.gov](http://ord.uscourts.gov), under the heading "Local Rules of Procedure and Practice."